IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 301 OF 2005

IN

SUMMONS FOR JUDGMENT NO. 301 OF 2005

IN

SUMMARY SUIT NO. 3845 OF 2003

Zion Pharmaceuticals (India) .. Appellant

V/s

Gaurang J. Mudbidri .. Respondent

Mr. P. Chaturvedi i/b S.C. Chaturvedi & Co. for the Appellant.

Mr.A.S. Mishra for the Respondent.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 29TH APRIL 2005

P.C. :

1. Having heard both the counsel, they have left it to the Court to modify the order passed by the learned Single Judge on 25th January 2005 which is in challenge in the present Appeal. The question raised in the Appeal is as to whether a summary suit would lie with respect to the amounts claimed. Part of the amount is the unpaid salary for one month and 8 days. The remaining part is with respect to various expenses about which, in normal circumstances, evidence would become

necessary.

2. Considering the totality of the circumstances, we are of the view that payment of Rs.35,000/- will meet the ends of justice. Mr.Mishra has agreed to accept the amount on behalf of the Respondent in full and final settlement. He is making the statement on instructions of the Respondent who is present in Court. Mr.Chaturvedi is accepting this settlement. The impugned order will stand modified accordingly. The Appellant shall pay an amount of Rs.35,000/- to the Respondent, which amount will be paid by end of May 2005, in default the decree will remain as it is.

3. Appeal stands disposed of with the above order.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)